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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,864	08/02/2001	Kimberly J. Hood	BEH001-056	4182

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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,864

Applicant(s)

HOOD ET AL.

Examiner

Aaron C Perez-Daple

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to RCE filed 8/6/04, which has been fully considered.
2. Claims 1-20 are presented for examination.
3. This Action is non-Final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described, as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerchner (US 6,559,882 B1) (hereinafter Kerchner) in view of Stern (US 6,654,757 B1) (hereinafter Stern).
6. As for claims 1 and 11, Kerchner discloses a system and method of operating a household appliance, said household appliance comprising:
 - a cabinet (cabinet 2, Fig. 1);
 - a display mounted to the cabinet, said display being adapted to present a plurality of visual screens to a consumer (display 20, Fig. 1; col. 5, lines 6-22; col. 11, lines 44-60); and
 - control means (processor 24, Fig. 6) for establishing an advertising mode of operation wherein information concerning the household appliance is presented on the plurality of screens (col. 5, lines 23-45) for educating the consumer on the household appliance, wherein said household appliance is selected from the group consisting of a washing machine, a

dryer, a dishwasher, a range and a refrigerator (col. 3, lines 44-48; col. 24, line 65 – col. 25, line 3).

Kerchner does not specifically disclose advertising by calling public attention to the appliance to emphasize desirable qualities of the appliance so as to arouse a desire to buy the appliance. However, Stern teaches delivering point-of-sale advertising comprising a plurality of visual screens for the purpose of calling public attention to an item to emphasize desirable qualities of the item so as to arouse a desire to buy the item (col. 1, line 61 – col. 2, line 15; col.3, line 36 – col. 4, line 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kerchner by delivering advertising comprising a plurality of visual screens for the purpose of calling public attention to the appliance to emphasize desirable qualities of the appliance so as to arouse a desire to buy the appliance in order to increase sales, as taught by Stern above. This would provide a further advantage to Stern of reducing costs by using the display already present in the appliance.

7. As for claims 2 and 12, Kerchner discloses the system and method according to claims 1 and 10, wherein the information concerns particular features of the household appliance (col. 5, lines 6-45).
8. As for claims 3 and 13, Kerchner discloses the system and method according to claims 1 and 10, wherein, the information concerns programming features of the household appliance (col. 5, lines 6-22).
9. As for claims 4 and 18, Kerchner does not specifically disclose receiving desired cycle parameters selected by the consumer for a simulated appliance operation. Stern teaches control means receiving desired cycle parameters selected by the consumer for a simulated

Art Unit: 2154

appliance operation (col. 4, lines 5-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kerchner by receiving desired cycle parameters selected by the consumer for a simulated appliance operation in order to increase sales of the appliance through customer interaction, as taught by Stern (col. 2, lines 58-64).

10. As for claim 5, Kerchner discloses the household appliance according to claim 4, wherein the display constitutes a touch screen display through which the desired cycle parameters are inputted by the consumer (col. 12, lines 4-18).
11. As for claim 6, Kerchner discloses the household appliance according to claim 5, further comprising: non-permanent memory in which the desired cycle parameters are temporarily stored (col. 13, lines 49-55).
12. As for claim 7, Kerchner discloses the household appliance according to claim 1, wherein the display constitutes a touch screen display through which input parameters can be entered into the control means (col. 12, lines 4-18).
13. As for claim 8, Kerchner discloses the household appliance according to claim 1, wherein said control means further includes means for establishing automatic and interactive formats of the advertising mode (col. 5, lines 23-35).
14. As for claim 9, Kerchner discloses the household appliance according to claim 9, wherein the plurality of screens are successively displayed in a timed manner under an automatic format (col. 5, lines 23-35).
15. As for claim 10, Kerchner discloses the household appliance according to claim 9, wherein each of the plurality of screens is paused for receiving operator input parameters under the interactive format (col. 5, lines 23-35).

Art Unit: 2154

16. As for claim 14, Kerchner discloses the method of claim 11, further comprising:
visually prompting the consumer for an input (col. 5, lines 23-35); and
entering an interactive format of the advertising mode upon receiving the input from the consumer (col. 5, lines 23-35; col. 18, lines 49-65).
17. As for claim 15, Kerchner discloses the method of claim 14, further comprising: entering an automatic format of the advertising mode when the input is not received by the consumer (col. 5, lines 23-35; col. 18, lines 49-65).
18. As for claim 16, Kerchner discloses the method of claim 15, further comprising:
presenting a series of successive informational screens in the display, in a timed manner, while in the automatic format (col. 5, lines 23-35; col. 18, lines 49-65).
19. As for claim 17, Kerchner discloses the method of claim 15, further comprising:
receiving the input through the touching of the display by the consumer (col. 12, lines 4-18).
20. As for claim 19, Kerchner discloses the method of claim 18, further comprising: storing the desired cycle parameters inputted by the consumer in non-permanent memory (col. 13, lines 49-55).
21. As for claim 20, Kerchner discloses using non-permanent memory (col. 13, lines 49-55), but Kerchner does not specifically disclose erasing the non-permanent memory when the display of the appliance is idle for a predetermined period of time. "Official Notice" is given that both the concept and advantages of erasing the non-permanent memory when the display of an appliance is idle for a predetermined period of time are known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kerchner by erasing the non-permanent memory when the display of the appliance is

Art Unit: 2154

idle for a predetermined period of time in order to reset the programming means for the selection of a new machine cycle or for return to the main menu.

Response to Arguments

22. Applicant's arguments filed 5/19/04 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,761,601, note point-of-sale advertising distribution system;

US 6,134,906, note display screen coupled with refrigerator appliance;

US 2002/0120502 A1, note targeted advertising based on appliance usage.


24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703) 305-4897. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information

Art Unit: 2154

for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 10/17/07

Aaron Perez-Daple

